



June 3, 2013

Please provide thorough, written documentation in response to these comments by June 21, 2013 at 5:00pm.

Planning Issues:

1. Please show evidence that you have addressed the Division I owners' concerns.
2. You have not addressed the visual impacts of Phase VI. Two commissioners asked for this information.
3. There are still details missing from the explanation of how the tap fees would be managed, most notably, what is the County's responsibility in collecting and managing these fees? The County does not want to take any responsibility for finishing the wastewater pre-treatment module. It should be the Owner or the HOA's responsibility.
4. At the last public hearing, you stated you have a weed management plan. Please provide a copy of this plan.
5. Please clarify: You are proposing that all future phases (Phases II-VI) will be eligible for final platting application upon gravel road standards are met in Phase I. Again, staff would like to see Phase VI tied to the completion of Phase I, not just gravel roads. Additionally, recording of any final record plat, which allows lots to be sold, could not happen until all infrastructure is complete for each phase.
6. Commercial Uses: You have proposed some commercial uses that are not directly related to a residential development. It is staff's recommendation that the following uses be allowed in the commercial area and not tied to the golf course: Equestrian facilities, fire substation, existing agricultural buildings, existing residences, a 16-unit lodge on two lots, support retail and office use, recreation facilities and a conference room. It is staff's recommendation that the following uses not be allowed or be tied to the golf course: Café/coffee shop, self storage units, office/shop units, general store, gas pumps, car wash etc.
7. Lodge- staff recommendation: Lot 8 would allow up to 10 lodge units within the existing building that are contained in the current administrative building. Dining and kitchen facilities would be allowed in this building. Additional units up to a total combined 16 units would be allowed on Lot 6 in up to two new buildings, on Lot 6. No additional cooking or serving facilities would be allowed. A small, support retail shop would be allowed in the existing administrative building as part of the lodge operation. All facilities would be subject to County building permit application procedures.
8. Golf Course Timeline: It is staff's recommendation that the entire golf course area project (trails and water features) be completed by 2015. As proposed, the golf course area will remain unseeded for three additional summers. Seeding is the best way to battle invasive weeds and three summers without vegetation is too long.
9. The County requires 378' separation distances between driveways for roads with a 35mph speed limit (per conversation with Clay Smith 6/3). The high density lots along the subdivision road that is being proposed as the new County road cannot meet these distances. The road will either need to be moved or the access density decreased from this road.

Development Agreement recommended amendments:

1. *Page 2- Note 3:* “The lot and tracts shall revert to the uses shown on the original master plan if a golf course is constructed.” This statement cannot be effective. There is a final plat amendment of Phase I associated with this application which shows these lots as residential. There will need to be a plat amendment to turn these areas back to their originally-proposed uses and the residential units transferred to Tract E.
2. *Page 3- d. Incidental Uses.* Tract E is converted to residential. If the golf course is built, then there are additional residential units proposed for the area. A plat amendment would be required for the proposed commercial uses in this section.
3. *Page 3- h. 2) Block 1 Lots 6 and 8.* No additional buildings will be allowed on Lot 8, where the existing administrative building is located. Please specify the number of buildings allowed on Lot 6- no more than two.
4. *Page 4- 3) Other uses:* It is staff’s recommendation that not all of the proposed uses are “incidental” to the development. Self-storage units/office storage units; retail/boutique and antique shops; and a café/logo shop would need additional approvals.
5. *Page 4- ii. Tract I:* There needs to be a lot on this tract.
6. *Page 4- III Utility Stubs and Extensions.* The letter of credit needs to be submitted at 125% of the engineer’s cost estimate with the recordation of the amendment (not “before construction of infrastructure commences”).
7. *Page 5- IV Block 10 Lots 1-4.* Fire suppression systems need to be functional before building permits are issued- remove (ii) from the section and add the statement that no building permits will be issued until all the fire suppression system is approved and accepted by the Teton County Fire Marshal. The letter of credit needs to be submitted at 125% of the engineer’s cost estimate with the recordation of the amendment (not “before construction of infrastructure commences”).
8. *Page 5- V Golf Course Area.* The letter of credit needs to be submitted at 125% of the engineer’s cost estimate with the recordation of the amendment (not “before construction of infrastructure commences”). Again, there will need to be a plat amendment if the golf course is constructed in order for the lots to be transferred to Tract E.
9. *Page 5- B The West Loop Road and Connector Roads.* A letter of credit needs to be submitted at 125% of the engineer’s cost estimate with the recordation of the amendment.
10. *Page 5- C Alignment of the West Loop Road and Connector Roads.* This entire paragraph might belong before the previous. I think the reference should be to Lot 7, Block 9 (not Block 25). The crushed gravel should be completed by Dec. 31, 2014. We will not issue building permits if there is not a gravel road. Period. And the letter of credit line from previous suggestions should be added.
11. *Page 5- D Remaining West Rim Loop Road.* The reference is wrong and should be corrected.
12. *Page 6- D Remaining West Rim Loop Road.* See #10- no building permits will be issued if the road is not to County gravel standards and the last part of that sentence should be removed. Add line, a letter of credit needs to be submitted at 125% of the engineer’s cost estimate with the recordation of the amendment.
13. *Page 6- E Turning Lanes.* There is another reference that is wrong (paragraph J? perhaps it should be (h)). A letter of credit for 125% of the engineer’s cost estimate shall be submitted with the recordation of the amendment and remain in place until the turning lanes are completed.
14. *Page 6- VII Road Paving.* See #13- wrong reference and letter of credit statement needs to be added.
15. *Page 6- Future Wastewater Pre-treatment Modules.* Staff recommends more detail in the in the way that the tap fee fund will be collected and managed and how existing lot owners will be

obligated to pay in since they bought their property without knowledge of this fee. The County does not want to be responsible for building the next wastewater module and therefore would not withdraw from the account. It needs to be clear who, the HOA or the Owner, will manage the construction etc. Staff recommends that before scheduling the amendment for a BOCC meeting, a letter from DEQ stating that it would be possible to base the building of the next module on actual flow instead of building permits.

16. *Page 7- IX County Acceptance of Completed Infrastructure.* It needs to be clear that the County will only release funds from the letter of credit on a line-item basis and that the contingency will not be released until the entire phase is complete.
17. *Page 7- X Letters of Credit.* Again, the applicant needs to fix the references in this section before it can be evaluated.
18. *Page 8- Platting and Improvements for Division II, III, IV, V and VI.* It is staff's recommendation to include a statement that if Phases II, III, IV, or V are vacated, the total acres of open space cannot be diminished and the number of dwelling units cannot be increased.
19. *Page 8- XXI Order of Completion.* It is staff's recommendation that the final plat application of Phase VI be tied to the completion of Phase I and that the final plat application of Phases II, II, IV, and V be delayed until all lots in Phase I are eligible for certificates of occupancy (roads to gravel standards). After Phase I is eligible for building permits, Phases II – V can be completed in any order or simultaneously. All infrastructure for all future phases must be complete before the record plat is recorded and lots can be sold- this is the current procedure in the current code.
20. *Page 9- XXV Final Inspection and Approval of Improvements.* Staff recommends adding to the end of the paragraph that "only after the County's final acceptance of approval will the record plat be recorded for Phases II – VI.
21. *Page 9- XXVI Letter of Credit.* The letter of credit should be for 125% of the engineer's cost estimate. Only complete line items will be released from the letter of credit, again, contingency will be withheld until completion of the entire phase.
22. *Page 9- XXVII Default.* The County should be able to draw on the letter of credit before the work is done. The County cannot do work on the project until the Owner is in breach and when the Owner is in breach, the letter of credit will have expired. The County needs to be able to pull the letter of credit, then do the work and refund any surplus to the Owner.
23. *Page 11- XXXI. Notices.* The County's address is wrong.
24. *Page 11- XXXIII A Conveyance of Individual Lots.* Phases II – VI, infrastructure must be complete and accepted by the County before the Record Plat is recorded and lots may be sold.
25. *Page 11- XXXIII B Certificate of Occupancy.* Building permits (not certificates of occupancy) will not be issued until public improvements are complete.
26. *Page 12- XXXIII E Roadway/Path Maintenance.* Will the Owner or HOA maintain internal roadways?
27. *Page 13 XXXVIII Adjacent Neighbor Provisions.* Staff suggests a 200' buffer to all exterior property lines. It is difficult to determine what may or may not be a residential use, now and in the future.
28. *Page 13 XXXIX. Sharing Development Costs.* Staff would like to see clarification of this section. Section 9-5-4 does not exist in the code and it is unclear the intent of this section.
29. *Page 13 XXXXI Development Agreement to Remain in Effect.* This section needs to be eliminated- it contradicts Page 1 E.
30. *Page 15.* All Phase owners should sign the Development Agreement (i.e. add signature lines for Phases II, II, IV, and V).
31. *Page 16.* Kelly Park (not Parks)

Master Plan:

1. The Master Plan needs to be labeled as Exhibit A.
2. The Notes for all three tables indicate that lots will be converted to cluster units in Tract E if the golf course is constructed. A plat amendment would be needed for that to happen.
3. It is misleading to not show lots 29-34 of Block 6 more prominently on the Master Plan.
4. It is misleading to not show the cluster chalets on Tract D. There are 45 units proposed for this 4-acre area.
5. In the table entitled, Division II Phase I Unit Summary, condominiums are still indicated. Please remove all references to condominiums in all application materials.
6. The Legend indicates an 8' Gravel Lane. Staff is not sure what the 8' refers to and recommends that all road design details remain in the construction plans. If this refers to a pathway, it should be indicated as such.
7. In general, the Legend is difficult to read. It would be better to have the symbol only depicted with an explanation of what that symbol represents.
8. The County Road is now 9400W (not 940W). This needs to be changed in the legend.
9. Phase VI- there are 2 proposed Farm/Ranch Residential Units (not 12). Sixty-four units total are being proposed.

Final Plat:

1. The intent for Tract D needs to be clarified. On the final plat, "cluster chalets" are indicated, but nowhere else in the application is this referred to.
2. I do not see an eliminated lot in Block 9 Lot 7. The plat does not match the master plan in this area with a road access to Phase II.
3. Staff calculates a total lot count of 307 (166 in blocks 2-10 and 141 in Tract A-I) plus 16 lodge units. This is one more lot than is indicated in River Rim application materials. This is likely Lot 7 of Block 9 which is still indicated on the plat and not the master plan.